



COMMONWEALTH OF VIRGINIA

Commission on Youth

Restoration of Parental Rights

September 17, 2013

Amy M. Atkinson

Study Mandate



- During the 2012 General Assembly Session, Delegate Toscano and Senators Barker and Favola each introduced legislation for the restoration of parental rights.
- The Senate and House Courts of Justice Committees reviewed these bills and, determining that further study of this issue would be appropriate, requested the Commission on Youth to explore the issue.
- On May 14, 2012, the Commission on Youth adopted a study plan to study the feasibility of creating a procedure for the restoration of terminated parental rights and the policy implications of such a procedure.

Study Mandate



- The Commission on Youth convened an Advisory Group of stakeholders which met;
 - August 20, 2012, and
 - September 17, 2012.
- Conducted research and analysis including;
 - Termination of parental rights,
 - Data of foster care youth, and
 - State-by-State comparison.
- Developed findings and recommendations.

Recommendation



On December 3, 2012, the Commission on Youth adopted the following recommendation:

- Amend the *Code of Virginia* by adding a section numbered 16.1-283.2, providing a procedure to restore the parental rights of a parent whose rights had been previously terminated, *with the following conditions;*

Recommendation

- Age of Juvenile
14 years of age
- Exceptions to Age Requirement

Younger Sibling Exception

The juvenile must be a certain age, or a younger sibling of a juvenile of sufficient age for whom restoration is being sought, and the younger sibling independently meets the criteria for restoration.

LDSS and GAL File Jointly

A restoration petition may be filed for a juvenile who does not meet the age requirement where his or her guardian ad litem and the local department of social services jointly file the petition for restoration.

continued

Recommendation

- Who May File

The local departments of social services (LDSS) OR
The juvenile's guardian ad litem

- Required Time Period Post-Termination

Two years

- Time Period Exception

18th Birthday Exception

Where the required two year time period would expire after the juvenile's 18th birthday, the petition may be brought sooner.

continued

Recommendation

- Who Must Consent
The juvenile AND
The parent whose rights are being restored
- Limit the availability of the restoration procedure for those cases in which a parent's parental rights were terminated pursuant to § 16.1-283(B), (C), or (D).
- Provide for a transitional period, during which the juvenile is in the physical custody of the parent and the legal custody of the local department of social services.

Legislation



- During the 2013 General Assembly Session, Delegate Mamye BaCote (HB1637) and Senator George Barker (SB1076) introduced legislation creating a procedure to restore parental rights as recommended by the Virginia the Commission on Youth.
- HB1637 and SB1076 was passed by the General Assembly and signed into law by the Governor.
- The law went into effect July 1, 2013.



Executive Office of the Supreme Court

- Training has been provided to:
 - Juvenile and Domestic Relations Judges (April 2013), and
 - Clerk Office Staff (June 2013).
- Codes have been developed to track these cases in the Juvenile Case Management System.
- New forms have been prepared and made available online to courts and attorneys through the Virginia State Bar website to support this process.



Virginia Department of Social

- The Department of Social Services surveyed the five regional offices.
- To date, no petitions have been filed to restore parental rights.